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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 29, 2004

Roseann B. MacKechnie, Clerk
United States Court of Appeals
For the Second Circuit
United States Court House
40 Foley Square
New York, New York 10007

Attention: Tynetta Wilder-Hope, Deputy Clerk

RE: *Connecticut Coalition Against Millstone v. NRC*, Case No. 04-0109

VIA OVERNIGHT MAIL


Dear Ms. MacKechnie:

This letter is to provide a small technical correction to a citation found in this Court's October 14, 2004 Summary Order in the above-referenced case. At page five of the Summary Order, the Court cited 10 C.F.R. §2.309(c) as the NRC regulation governing the admission of late-filed contentions in NRC proceedings. However, section 2.309(c) appears in recently enacted NRC rules not applicable to this case. The equivalent NRC rule applicable at the time this case was filed, and the citation that should be used in place of 10 C.F.R. §2.309(c), is 10 C.F.R. §2.714(a)(2004).

As the Commission noted at p. 4, Footnote 1, in its brief to the Court, the Commission earlier this year recodified and modified a number of its procedural regulations, including the procedural regulations covering late-filed contentions. *See Final Rule: Changes To Adjudicatory Process*, 69 Fed. Reg. 2182 (Jan. 14, 2004). This newly numbered section now governing untimely requests to intervene in NRC proceedings merely added some additional factors for consideration of late-filed contentions to those already found in the old 10 C.F.R. §2.714(a)(2004).

Thank you for your attention to this matter.

Respectfully submitted,


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cc: Service List